

Citation: *R. v. Northern Smoke Mini Mart & Bakery Ltd.*, 2004 YKTC 60 Date: 20040714
Docket: T.C. 03-00715
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before: His Worship Justice of the Peace Cameron

Regina

v.

Northern Smoke Mini Mart & Bakery Ltd.

Appearances:
Ludovic Gouaillier
J. Robert Dick

Counsel for Crown
Counsel for Defence

REASONS FOR SENTENCING

[1] CAMERON J.P.T.C. (Oral): I think both counsel raised some legitimate concerns. Just exactly where do we stop, as a Court, imposing a punitive penalty. It is easy to look initially at the fine as being punitive and anything thereafter is supposedly trying to focus a little on either rehabilitative aspects or whatever.

[2] This particular type of offence, though, I think has to be acknowledged as serious although, as pointed out, a maximum penalty of \$3,000 it may not be considered to be in the more serious end of the offences under the *Tobacco Act*. I think if we look at the

big picture, this is really very entry-level activity. We are dealing with our youth, our children here. We are dealing with putting our youth and children's health at risk.

[3] MR. DICK: And that's what the fine is for.

[4] THE COURT: Maybe, maybe not. I think that if we are going to ever change that aspect, the best way to do it is through education. That is what the publication would be for.

[5] So, having heard both arguments, and I thank both counsel because they were well-presented arguments, having heard both arguments, I believe that the best benefit for our community is the publication, and the best deterrence at this point in time is likely the fine. I will impose a \$350 fine and require that Northern Smoke Mini Mart & Bakery publish a record of this conviction as required, a quarter page ad within 30 days of today's date in both local papers, be that the *Whitehorse Star* and the *Yukon News*.
How long would Northern Smoke need to pay the \$350 fine?

[6] MR. DICK: Thirty days.

[7] THE COURT: Thirty days time to pay.

[8] MR. GOUAILLIER: Thank you, Your Worship.

[9] MR. DICK: Thank you, Your Worship.

